

Claimant's job required her to be on her feet much of the day and, further, required claimant to repeatedly walk up and down stairs. Although this activity could be the normal activity of day-to-day living, K.S.A. 1997 Supp. 44-508(e) does not exclude "accidents" that

are the result of such activity, but rather excludes injuries where the “disability” is a result of the natural aging process or the normal activities of day-to-day living. Corbett v. Schwan’s Sales Enterprises, Docket No. 216,787 (May 1998).

In this case there was a specific onset caused by an accident at work. There is no allegation in this case that claimant’s disability resulted from the wear and tear common to acts of everyday living combined with a preexisting condition, as was the case in Boeckmann v. Goodyear Tire & Rubber Co., 210 Kan. 733, 738-739, 504 P.2d 625 (1972). Neither is this a case where claimant had a preexisting condition which was worsened or made symptomatic by a solely personal risk as in Martin v. U.S.D. No. 233, 5 Kan. App. 2d 298, 615 P.2d 168 (1980). Accordingly, the Appeals Board finds the injury that occurred from the act of walking down stairs does constitute an injury that arose out of the employment.

Respondent also raises issues concerning whether claimant proved she is temporarily totally disabled and the amount of compensation due. These are not issues that the Appeals Board has the jurisdiction to consider on an appeal from a preliminary hearing order. K.S.A. 1997 Supp. 44-551(b)(2)(A) and K.S.A. 1997 Supp. 44-534a(a)(2). Findings concerning the nature and extent of disability are not reviewable at this stage of the proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes dated June 4, 1998, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of October 1998.

BOARD MEMBER

c: Andrew E. Busch, Wichita, KS
Richard J. Liby, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director